

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1183 OF 2025

1. Rajan Baburao Patil
Age: 64 years, Occ: Agri, & Business.
2. Rajashri Rajan Patil
Age: 62 years, Occ: Household & Business,
3. Vishakha Rajan Patil
@ Vishakha Abhaysinh Phalake
Age: 36 Years, Occ: Household & Business
4. Ajinkyarana Rajan Patil,
Age: 33 years, Occ: Business,
All R/o. At Post. Angar,
Tal. Mohol, Dist. Solapur-413214.Petitioners

Vs.

1. Union of India
Through Ministry of External Affairs,
South Block, New Delhi.
2. Regional Passport Officer
Passport Bhawan, Sr. No. 5/2/2,
Baner-Pashan Link Road, Baner,
Pune-411045.
3. The State of Maharashtra
Through Inspector,
State Excise Department,
Flying Squad, Mumbai.Respondents

Mr. Shantanu Kolhe i/b Mr. Nitin Gaware Patil, for the Petitioners.
Mrs. Manisha Jagtap, SPP for Respondent Nos.1 & 2.
Mrs. P. P. Shinde, APP for Respondent No.3-State.

CORAM : REVATI MOHITE DERE &
DR. NEELA GOKHALE, JJ.

DATE : 17th APRIL 2025.

P.C.:-

1. The Petitioners seek quashing of communication dated 24th February 2025 issued by the Respondent No.2-Regional Passport Office, Pune, refusing to renew the passports of the Petitioners. The Petitioners also assail order dated 15th February 2025 passed by the Judicial Magistrate First Class (JMFC), Mohol holding that there is no requirement to seek permission of that Court for renewal of passport in view of the decision of this Court in the case of *Abbas Hatimbhai Kagalawala v. State of Maharashtra & Anr.*¹ passed in Writ Petition No.384 of 2019 dated 23rd August 2022.

2. Mr. Shantanu Kolhe, learned counsel appears for the Petitioners. Ms. Manisha Jagtap, learned SPP appears for the Respondent Nos. 1 and 2 namely, the Union of India and the Regional Passport Office and Ms. Prajkta Shinde, learned APP represents the State.

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3. Mr. Kolhe submits that there is an FIR bearing C.R.No.20 of 2017 dated 25th January 2017 registered against the Petitioners in the capacity of being directors of Nakshatra Distilleries & Breweries Limited, punishable under Sections 65(a)(e), 72, 81, 82, 83, 90 and 108 of the Bombay Prohibition Act, 1949 and under Sections 420, 467, 468 and 471 of the Indian Penal Code, 1860. A charge sheet is filed by the Investigating Agency against them before the JMFC, Mohol and RCC No.30 of 2020 is pending before the said Court.

4. The Petitioners are enlarged on anticipatory bail by the Additional Sessions Court, Solapur. There are certain conditions mentioned in the said order. One of the conditions is that the Petitioners shall not leave India without the prior permission of the Trial Court.

5. Desirous of traveling abroad, the Petitioners made applications for re-issuance of their passports to the Passport Authorities, as the validity of the passports had expired/was to expire. The Passport Authority vide the impugned communication requested the Petitioners to submit Court order regarding issuance of passport to the Petitioners. The Petitioners then made an application to the JMFC,

Mohol requesting for a direction to the Passport Authority to renew their passports. By order dated 15th February 2025, the JMFC, Mohol, relying upon the decision of this Court in Abbas (Supra), rejected their application holding that there was no requirement to seek permission of the Court for issuance of passport. Hence, the Petitioners have filed the present Petition.

6. Ms. Manisha Jagtap placed before us an order dated 8th April 2024 passed by the Co-ordinate Bench of this Court (*G.S.Kulkarni & Firdosh Pooniwalla, JJ.*) in Writ Petition (L) No.1576 of 2024 in the matter of Cyrus Keki Balsara v. Union of India & Anr. This Court, in the said order dated 8th April 2024 has referred to the ***Abbas's decision (Supra)*** and held that in a case falling under the provisions of Sub-section (2)(f) of Section 6 of the Passports Act, 1967 where the criminal proceedings are yet pending against the Petitioners, the Passport Office is entitled to refuse issuing passport to such Petitioners. Thus, this Court held that in such cases, the Petitioner would be required to make an application to the Criminal Court where the cases are pending, seeking re-issuance of passport.

7. We have heard the parties and perused the averments in the Petition as well as the documents on record. The JMFC, Mohol relying on *Abbas's decision (Supra)* held that there was no need to seek permission of the Court. It appears that the decision of this Court in *Cyrus Balsara (Supra)* was not brought to the notice of the JMFC, Mohol. Admittedly, the charge sheet is already filed in the Trial Court. In any case, the Petitioners are required to seek permission of the Trial Court before leaving India, in terms of the conditions imposed by the Trial Court in the anticipatory bail order. The Petitioners are directors in the accused-company and are required to travel abroad for their business purpose.

8. In view of the aforesaid, the impugned communication dated 24th February 2025 issued by the Regional Passport Office rejecting the passport application and the order dated 15th February 2025 passed by the JMFC, Mohol are quashed and set aside. The Respondent No.2 shall re-issue the passports of the Petitioners for a period of five years in accordance with the Passports Act, 1967 and rules and regulations thereunder.

9. Needless to state, that if the Petitioners are desirous of traveling abroad, the Petitioners are required to seek permission of the Trial Court before leaving the country in terms of the conditions of their anticipatory bail order.

10. Petition is allowed and disposed off in aforesaid terms.

11. All parties to act on an authenticated copy of this order.

(DR. NEELA GOKHALE, J.)

(REVATI MOHITE DERE, J.)

Digitally
signed by
SHAMBHAVI
NILESH
SHIVGAN
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